

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JAMES JIRAK and ROBERT  
PEDERSEN,**

**Plaintiff,**

**v.**

**ABBOTT LABORATORIES, INC.,**

**Defendant.**

**No. 07 C 3626**

**Judge Ruben Castillo**

**Magistrate Judge Michael T. Mason**

**UNOPPOSED MOTION TO ENTER FINAL JUDGMENT**

Defendant Abbott Laboratories Inc., by and through its counsel, hereby moves this Court for entry of Final Judgment consistent with the Final Judgment and Mandate from the U.S. Court of Appeals for the Seventh Circuit, which were filed with this Court on May 30, 2012. Abbott may file a bill of costs following the Court's entry of judgment. Accordingly, in support of its motion, Abbott states as follows:

1. On April 26, 2011, this Court entered judgment against Abbott [Dkt. No.268] pursuant to the parties' Stipulation Regarding Entry of Judgment [Dkt. No. 266], which reserved the parties' respective rights to appeal the Court's prior summary judgment orders, including this Court's order finding Abbott's pharmaceutical sales representatives non-exempt from overtime under the Fair Labor Standards Act, 29. U.S.C. § 201, *et seq.* On April 27, 2011 Abbott filed its notice of appeal to the U.S. Court of Appeals for the Seventh Circuit. [Dkt. No. 271].

2. On May 8, 2012, the Seventh Circuit issued its opinion reversing summary judgment against Abbott, finding that "[t]he pharmaceutical sales representatives employed by Abbott ... are properly classified as exempt administrative workers," and directing this Court to "enter judgment in favor of Abbott." [Dkt. No. 295]. That opinion was filed in this Court on

May 30, 2012, along with the Seventh Circuit's Final Judgment [Dkt. No. 296] and Mandate [Dkt. No. 297].

3. Having heard nothing from this Court, on October 2, 2012, counsel for Abbott contacted the Court to inquire whether any action was required from the parties before it would issue final judgment. Courtroom Deputy Ruth O'Shea advised Abbott's counsel to file a motion to enter final judgment.

4. Counsel for Abbott conferred with Plaintiffs' counsel on October 9, 2012 and Plaintiffs' counsel will not oppose this Motion.

WHEREFORE, Defendant Abbott Laboratories Inc. respectfully requests the entry of a Final Judgment dismissing this case in its entirety.

Dated: October 11, 2012

Respectfully submitted,

By: s/Efrat R. Schulman

Michael J. Gray

E-mail: [mjgray@jonesday.com](mailto:mjgray@jonesday.com)

Brent D. Knight

E-mail: [bdknight@jonesday.com](mailto:bdknight@jonesday.com)

Efrat R. Schulman

E-mail: [eschulman@jonesday.com](mailto:eschulman@jonesday.com)

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, Illinois 60601-1692

Phone: 312/782-3939

Fax: 312/782-3939

ATTORNEY FOR DEFENDANT  
ABBOTT LABORATORIES INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2012, I electronically filed the foregoing Unopposed Motion to Enter Final Judgment with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Efrat R. Schulman

One of the attorneys for Defendant Abbott  
Laboratories Inc.